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**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2103

BOBBIE J. THOMAN  
P.O Box 954  
Lakeport, CA 95453

**A C C U S A T I O N**

Respiratory Care Practitioner License No. 22535

Respondent.

Complainant alleges:

PARTIES

1. Stephanie Nunez (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs.

2. On or about August 28, 2002, the Respiratory Care Board issued Respiratory Care Practitioner License Number 22535 to Bobbie J. Thoman (Respondent). The Respiratory Care Practitioner License expired on June 30, 2009, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Respiratory Care Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

1                   4.       Section 3710 of the Code states: “The Respiratory Care Board of  
2 California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter  
3 8.3, the Respiratory Care Practice Act].”

4                   5.       Section 3718 of the Code states: “The board shall issue, deny, suspend,  
5 and revoke licenses to practice respiratory care as provided in this chapter.”

6                   6.       Section 3750 of the Code states:

7                   “The board may order the denial, suspension or revocation of, or the imposition of  
8 probationary conditions upon, a license issued under this chapter, for any of the following  
9 causes:

10                  “(d) Conviction of a crime that substantially relates to the qualifications,  
11 functions, or duties of a respiratory care practitioner. The record of conviction or a  
12 certified copy thereof shall be conclusive evidence of the conviction.”

13                  “(g) Conviction of a violation of any of the provisions of this chapter or of any  
14 provision of Division 2 (commencing with Section 500), or violating, or attempting to  
15 violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to  
16 violate any provision or term of this chapter or of any provision of Division 2  
17 (commencing with Section 500).”

18                  7.       Section 3752 of the Code states:

19                  “A plea or verdict of guilty or a conviction following a plea of nolo contendere  
20 made to a charge of any offense which substantially relates to the qualifications,  
21 functions, or duties of a respiratory care practitioner is deemed to be a conviction within  
22 the meaning of this article. The board shall order the license suspended or revoked, or  
23 may decline to issue a license, when the time for appeal has elapsed, or the judgment of  
24 conviction has been affirmed on appeal or when an order granting probation is made  
25 suspending the imposition of sentence, irrespective of a subsequent order under Section  
26 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to  
27 enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the  
28 accusation, information, or indictment.”



1 3750(g), CCR 1399.370(a) and (c) in that she was convicted of violating Vehicle Code section  
2 23152(a), driving under the influence of alcohol. The circumstances are as follows:

3           13. On or about April 14, 2006, at approximately 12:01 a.m., California  
4 Highway Patrol (CHP) Officer Kevin B. Odom observed a female (later identified as respondent)  
5 driving a vehicle in an erratic manner and speeding in a 25 mile per hour zone. He conducted a  
6 vehicle stop and contacted respondent. Officer Odom asked her for her license, registration and  
7 insurance. She located her license but had difficulty finding the registration and insurance in the  
8 glove box, and appeared confused. CHP Officer Leishman arrived on the scene, and Officer  
9 Odom asked respondent to exit the vehicle. He observed that respondent's speech was slurred,  
10 her eyes were red and glassy, and he smelled alcohol on her person. She admitted that she had  
11 been drinking, and stated that she had three to four alcoholic drinks earlier that night. Officer  
12 Odom asked respondent to perform field sobriety tests, and while she was cooperative, her  
13 performance was poor. She agreed to complete a portable alcohol screening test, and the results  
14 indicated a 0.24 alcohol content at 12:19 a.m.

15           14. Based on the above information, Officer Odom arrested respondent for  
16 a violation of Vehicle Code section 23152(a), driving under the influence of alcohol. She  
17 submitted to a breath test, and the results indicated a 0.23/0.22 per cent alcohol content at 12:27  
18 a.m.

19           15. On or about June 14, 2006, a criminal complaint titled *People of the State*  
20 *of California vs. Bobbie Jean Thoman*, case no. 909691, was filed in Superior Court, Lake  
21 County. Count 1 charged respondent with a violation of Vehicle Code section 23152(a), driving  
22 under the influence of alcohol. Count 2 charged respondent with a violation of Code section  
23 23152(b), driving while having a blood alcohol content of 0.08% or higher.

24           A. A special allegation alleged that respondent had a prior conviction for  
25 violating Vehicle Code section 23152(a), driving under the influence of alcohol, on October 27,  
26 2003.

27           B. It was further alleged as to both counts of criminal complaint no. 909691  
28 that respondent had a blood alcohol content of .15 percent or higher.

1                   16.     On or about November 17, 2006, respondent was convicted on her plea of  
2 guilty to violating Vehicle Code section 23152(a), driving under the influence of alcohol, with a  
3 prior conviction. She was placed on summary probation for three years, jail time was imposed  
4 for fifteen days with one day credit for time served. She was considered eligible for the  
5 Alternative Work Program, fined \$2,256.83 and ordered to attend a DUI multiple offender  
6 program.

7                   17.     Therefore, respondent's license is subject to discipline based on her  
8 conviction of Vehicle Code section 23152(a), driving under the influence of alcohol, which is  
9 substantially related to the practice of respiratory care.

10                                   MATTER IN AGGRAVATION

11                   18.     On or about January 13, 2004, the Board issued Citation and Fine no. C-  
12 03-0033 to respondent, based on her guilty plea and subsequent conviction to a violation of  
13 Vehicle Code section 23152(a), driving under the influence of alcohol.

14                                   PRAYER

15                   WHEREFORE, Complainant requests that a hearing be held on the matters herein  
16 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

17                   1.     Revoking or suspending Respiratory Care Practitioner License Number  
18 22535, issued to Bobbie J. Thoman.

19                   2.     Ordering Bobbie J. Thoman to pay the Respiratory Care Board the costs of  
20 the investigation and enforcement of this case, and if placed on probation, the costs of probation  
21 monitoring;

22                   3.     Taking such other and further action as deemed necessary and proper.

23 DATED: September 21, 2007

24                                   Original signed by Liane Zimmerman for:  
25 STEPHANIE NUNEZ  
Executive Officer  
26 Respiratory Care Board of California  
Department of Consumer Affairs  
27 State of California  
Complainant  
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